

REGION IX
RTOC WORKGROUP REPORTS
July - September 2008

Tribal Science Council Workgroup:

No report submitted

Water Quality Standards Workgroup:

Water Quality Standards Workgroup Report Update

The National Tribal Caucus (NTC) and tribal environmental organizations strive to work together on common initiatives in the protection of tribal waters. The NTC has partnered with the National Tribal Water Council and National Congress of American Indians in the development of transition strategies that have common themes in the protection of water quality in Indian Country. The common themes found in each tribal organization's transition strategies include the following:

- Improve process and remove statutory hurdles for TAS applications
- Make TAS meaningful by providing direct, targeted funding to tribes as is done for states under certain statutes
- Increase funding and remove hurdles for direct implementation activities
- Promulgation of federal WQS in Indian Country on a national, regional, statewide, or watershed basis

The transition strategies from each organization are working drafts and can be amended. The goal of these tribal organizations is to have their transition strategies finalized by early December 2008. The target audience of the transition strategies are senior EPA official, OMB representatives, and Congressional sub-committees.

Solid Waste Workgroup:

CY 2008 RTOC SOLID WASTE PRIORITY

Prepared by: Nancy Sockabasin, US EPA Region 9
Cynthia Naha, RTOC Tribal Solid Waste Lead

Date Prepared: April 2008 (original); **October 2008 (update)**
EPA Division/ Office: Waste Management Division
Name of Priority: Solid Waste

Tribal Caucus Lead: Cynthia Naha, Salt River-Pima Maricopa Indian Community
EPA Lead: Nancy Sockabasin, EPA Tribal Solid Waste Team

Goal: Improve tribal access to solid waste management programs through interagency and collaborative efforts to address physical infrastructure needs and support for ongoing activities.

Objective 1: Maintain communication between U.S. EPA, Tribes, and other federal agencies.

Subobjective A: Continue participating in the interagency solid waste workgroups. Hold at least one meeting in each three Region 9 states (CA, NV, AZ).

Status: A total of six tribal solid waste interagency meetings were held in FY08. In January 2008, EPA, Tribes, and Tribal Consortia partnered to hold three interagency solid waste workgroup meetings. The La Jolla Band of Luiseno Mission Indians hosted a Southern California meeting and the Paiute-Shoshone Indians of the Bishop Community hosted a meeting for the Eastern Sierra tribes. In addition, a state-wide Nevada interagency meeting was hosted by the Inter-Tribal Council of Nevada, Inc. In June 2008, a state-wide meeting was held in Arizona, hosted by Inter Tribal Council of Arizona. Additionally, in July 2008, state-wide meetings were also conducted for California tribes, hosted by the US EPA Region 9, and for Nevada tribes, hosted by the Washoe Tribe of Nevada and California.

Subobjective B: Continue to lead the RTOC solid waste workgroup.

Status: A workgroup meeting was held in January 2008 to discuss tribal interest in green building and, as a follow up to that discussion, a presentation was delivered in April 2008 focused on incorporating green building techniques into home renovations. Another meeting was held in July 2008 to provide participants with a presentation on the Basics of Transfer Station Development and Operation.

Subobjective C: Provide information and outreach to tribes on a variety of topics. This includes a 'how to' guide on abandoned vehicle removal; additional web resources for Freon removal certification, battery recycling, removal and reuse of abandoned trailers; and web success stories on tire removal and green waste programs.

Status: The 'how to' guide on abandoned vehicle removal is still in draft form, but should be sent to our contractors for printing by the end of the month. Additional resources have been added to our website, including 'fill-and-print' brochures for general waste management and recycling issues, household hazardous waste, and illegal dumping. EPA is also developing the 'Tribal Solid Waste Costing Tool', which will provide tribes with information on costs associated with various collection systems and to allow comparison of these options. The guide has been reviewed by IHS, Region 9 tribes, and other EPA regional offices and is expected to be finalized in early FY09.

Subobjective D: Create and/or organize solid waste presentations for the Annual Tribal/EPA Conference and other Tribal/EPA meetings. Topics could include green building and meth lab cleanup.

Status: The Tribal Solid Waste Team has organized 10 presentations for the Annual Tribal/EPA Conference. Sessions will include:

- Abandoned Autos – Tips and Considerations for Collecting and Crushing
- Green Building: Reducing Energy Use, Traditional Principles and Modern Implementation
- Tribal Perspectives on Green Building
- Alternative Energy Options
- Greening Tribal Events: Pow Wows, Rodeos, and other Large Scale Gatherings
- Innovative Funding Sources for Open Dump Cleanups
- Open Dumping Enforcement Mechanisms for Tribal Governments
- Electronic Waste (e-waste) Recycling
- Greening Your Casino: Easy Solutions to Save Money and Resources
- Starting a Recycling Program in your Community

Objective 2: Increase the number of tribes covered by integrated waste management plans (IWMP) through grants, EPA-sponsored training, and targeted technical assistance. Work with tribes to develop at least 2 new IWMPs.

Status: In FY08, 20 new IWMP projects were selected for funding through grants from the EPA Tribal Solid Waste Team and the Tribal Programs Office. Projects began on October 1, 2008. Four new IWMPs were developed in FY08.

Objective 3: Increase the number of dumps that are closed or cleaned up on tribal lands. This work will be done through grants, increased partnerships with other federal agencies such as BIA and IHS, increased partnerships with the Region 9 Tribal Programs Office, and increased cooperation and funding opportunities with Region 9 states.

Subobjective A: Close at least 20 illegal dumpsites.

Status: As of October 7, 2008, 39 dumps were closed or cleaned up on Region 9 tribal lands for fiscal year 2008. We expect this number to increase as final reports are submitted by tribes.

Subobjective B: Provide leadership on the national dump closure workgroup, which will address issues related to Part 258 regulations and soil sampling.

Status: Region 9 held the first national conference call in March 2008. The Workgroup is currently exploring what legal options we have in relation to next steps. It is not yet clear what type of document/product can or will be developed. We hope to begin development of the document/product in mid-FY09.

Subobjective C: Develop process for gathering open dump inventory data and priorities from tribes.

Status: The Tribal Solid Waste Team worked with the Tribal Programs Office to include

language in the GAP Solicitation to encourage tribes to provide additional data when they submit clean up proposals with their GAP Workplans. We will continue to develop other process improvements through the end of the calendar year.

Objective 4: Research and develop a document to showcase open dumping enforcement mechanisms and techniques to enforce against illegal dumping of solid waste. Document will be completed by December 31, 2008.

Status: The 'Open Dumps Enforcement Mechanisms' guide is going through final review within EPA and will soon be sent for final comment to outside entities. The document is expected to be finalized in mid-FY09.

Objective 5: Promote sustainable waste collection and recycling programs for tribes throughout Region 9.

Subobjective A: Create and present a tribal-specific Transfer Station Training.

Status: EPA worked with the Institute for Tribal Environmental Professionals to develop and conduct a course on Creating and Managing Tribal Transfer Stations. The course was held September 30 – October 2, 2008 and was hosted by the Pala Band of Luiseno Mission Indians. The course included site tours of the Pala and La Jolla Transfer Stations, as well as classroom sessions on understanding your waste stream; deciding what you need; working with tribal government and the community; siting, design, and construction; management and operations; and creating a sustainable program. The course was attended by approximately 25 tribal representatives.

Subobjective B: Work with tribes and state contacts to increase recycling rates on tribal lands in Nevada.

Status: The Tribal Solid Waste Team is working with the Environmental Finance Center, Region IX (EFC9) to complete a project that will assist in making recycling economically feasible for tribes in Nevada. EFC9 attended the Nevada Tribal Interagency Solid Waste Workgroup meeting in July to discuss current tribal recycling practices and what needs exist for future projects. Research will begin soon, and the project should be completed by Spring/Summer 2009.

Subobjective C: Create outreach materials for recycling programs, including information on the benefits of recycling.

Status: A 'fill-and-print' brochures for general waste management and recycling issues was developed and is available on our website at www.epa.gov/region09/waste/tribal

Subobjective D: Provide information on electronic waste recycling in anticipation of the digital television transition.

Status: A presentation was given at the April RTOC on the digital television transition. Information on the transition was added to our website and a presentation on electronic waste recycling, including additional information on the transition, will be delivered at the Annual Tribal/EPA Conference.

Subobjective E: Begin research into creating/promoting a Federal bottle bill to encourage recycling on a national level.

Status: Research will begin before the end of the calendar year.

Reporting Dates: Quarterly at each RTOC

Assistance Needed from EPA and Tribes: Participation in workgroup activities, meetings, conference calls; contribution to written documents; collaboration with local, regional, and national partners.

For Further Information, Please Contact:

Nancy Sockabasin, EPA Tribal Solid Waste Team, (415) 972-3772

Cynthia Naha, Salt River-Pima Maricopa Indian Community, (480) 362-7637

Budget and Strategic Planning Workgroup:

No report submitted

Air Workgroup:

**RTOC Air Workgroup
Conference Call Summary
October 16, 2008**

The RTOC Air Workgroup held one conference call this quarter. There were no Tribal Representatives on the call; the following is a summary of the latest air information. The RTOC Tribal Co-lead continues to forward information to the workgroup as it becomes available.

Participants:

Syndi Smallwood	Pechanga
Sara Bartholomew	Air Division, Region 9
Maeve Foley	Air Division, Region 9

Agenda Items:

1. EPA Updates

- Conference Session: There will be an Air Update Session on Thursday morning which will include regulation updates, permitting updates, and other pertinent information.

- FY 09/10 Air Funding Announcement: the air funding announcement will be coming out soon and will be sent out to Tribes. The grant proposals will be due to EPA on January 9, 2009.

2. Workgroup accomplishments and future goals for Dan's presentation to the EPA Program Managers at the Annual EPA/Tribal Conference

- Since no one was on the call I have listed some of the workgroups accomplishments and possible future goals and sent them to Dan. If there are any additions or concerns about this list please let me know!

Accomplishments:

- a. The RTOC Air Workgroup has enabled tribes to have current information on air related issues on a daily basis.
- b. The RTOC Air Workgroup participates and assists in the budget accomplishments and needs presentation each year.
- c. The RTOC Air Workgroup has held conference calls to assist tribes in getting information on upcoming regulations changes.
- d. The RTOC Air Workgroup is working with the RTOC Transition Document workgroup on the Air portion of the document.

Future Goals:

- a. To continue to assist tribes in getting air information as it becomes available.
- b. To continue to assist with the budget presentation.
- c. To continue to hold conference calls as needed.

3. NTAA Update

- Executive Committee Updates: The EC met in September and has been addressing NTAA priorities. The priorities have been to have NTAA staff work on policy issues more in an effort to give tribes the optimum amount of assistance in making comments on various regulation changes and upcoming air issues. The EC is working more with NTOC, NTEC, ITEP, TAMS, and OAQPS in an effort to not duplicate efforts and to have better communication. NTAA's website <http://www.ntaatribalair.org/index.html> has current information on air issues.
- NTAA has hired part-time staff to assist the Program Manager, Stephen Hartsfield. Stacey Sanchez will assist Stephen with meeting minutes, meeting logistics, etc.
- Climate Change – An email with three attachments was sent to the workgroup yesterday from Bob Gruenig, NTAA/NTEC concerning the Advanced Notice of Proposed Rulemaking: Regulation of Greenhouse Gases under the Clean Air Act (ANPR). The first document provides a summary of the ANPR, specifically looking at some of the possible regulatory paths for greenhouse gases under the Clean Air Act. The second document provides some general and tribal-specific thoughts that Indian tribes might want to use in commenting on the ANPR. The

third document is simply the ANPR itself. Please note that the deadline for making comments regarding the ANPR is Friday, November 28th, right in the middle of Thanksgiving vacation, so make sure to get your comments in early! If you have any questions about the documents, please contact Bob Gruenig, 505-242-2175 ext. 103 (office)

- Geologic Sequestration of CO₂ – Bob Gruenig is also looking at the information on this issue.

4. R9 RTOC Transition Document

- The workgroup has held two conference calls to discuss the air portion of the Transition document. The following includes input from workgroup members on how they would like to see the document address air issues:
 1. Renewable energy on Tribal lands
 2. Climate change and its effects on Tribal lands; what changes are expected to occur and strategies to address these changes
 3. Tribes need adequate training and capacity to interact with regulating jurisdictions
 4. Increase Tribal access to air monitoring equipment (especially Tribes with little or no funding)
 5. Have the new administration present a positive position on Climate Change, Global Warming, Greenhouse Gases, and Carbon Footprint issues rather than just a “stand back out of the way” position
 6. A categorical grant program or at least some positive work plan ideas and policies within the scope of the air and water grants that address Global Warming concerns

5. NTOC Updates

- NTOC’s Transition document was sent to the workgroup yesterday and it addresses all Goals.

6. Anything else?

- The Final Rule for Lead, factsheets, and other related information can be found at:

<http://www.epa.gov/air/lead/index.html>

Drinking Water / Waste Water Workgroup:

DRINKING WATER / WASTEWATER WORKGROUP REPORT

Prepared by: Linda Reeves, EPA Lead; Denise Morphew, Tribal Lead; Marta Burg, RTOC Legal Advisor
Date Prepared: October 7, 2008

GOAL: The Drinking Water / Wastewater Workgroup's goal is to improve tribal access to drinking water and wastewater sanitation through regional and national efforts, and interagency and collaborative efforts to address both physical infrastructure needs and support asset protection activities, including protecting and increasing funding.

OBJECTIVES:

1. Participate in the National Infrastructure Task Force and Access Subgroup to develop an Access Implementation Plan

Status: Access Implementation Workgroups formed to implement the highest short term recommendations, with leads from the federal agencies. The Workgroups created draft charters which were shared with the Task Force on 9/11/08, and will be discussed at the 10/23 Regional Interagency meeting. Below is a description of the Implementation Workgroups:

- IHS Lead: Coordination of technical assistance, O&M costs, and minimum design requirements
- EPA Lead (in partnership with Navajo IHS and EPA Alaska Field Office): Navajo and Alaska technical alternatives to increase access
- EPA Lead: Streamlining pre-construction paperwork
- USDA Lead: Identify underutilized funding and develop strategies to better leverage existing programs to help meet the Access Goal.

Contact: Linda Reeves (415) 972-3445, Marta Burg (323) 258-1009

2. Continue to lead the Regional Interagency Drinking Water / Wastewater Workgroup

Status: The next all day Regional Interagency Workgroup meeting will be 10/23/08 in the first floor conference room during the Annual Tribal Environmental Conference.

Draft Agenda 10/23 Interagency Meeting

- 8:30 – 10:00 Collaborative projects status report and proposed new projects
- 10:00 – 10:15 Break
- 10:15 – 11:00 Update federal infrastructure funding matrix, Patricia Rivera, BOR
- 11:00 – 12:00 Access Implementation, David Harvey/Elin Betanzo, EPA HQ
- 12:00 – 1:30 Lunch
- 1:30 – 4:00 Discussion with BIA and IHS on 638/Compacting, O&M, other topics, Ron Ferguson IHS HQ, and John Rydzic, BIA Sacramento

Contact: Linda Reeves, Denice Morphew (775) 265-8600, Marta Burg

3. Implement Tribal Water Collaborative Projects

The following is the status of current collaborative projects:

- Big Valley drinking water and wastewater – Numerous trailers lack access to drinking water.

Status: Interagency meetings held. EPA tested water to trailers and it is safe to drink. Tribe seeks USDA funding for washeterias, and IHS scattered housing funds. IHS funds received for leach field repairs. EPA's Environmental Justice team and volunteers repaired worst trailers. SDS project developed.

Contact: Sarah Ryan, Big Valley; Linda Reeves, EPA

- Hualapai – Tribe wants to use old Peach Springs water system to retain wetlands and use 25% for fire and water hauling. The project needs include 3 miles of pipe, a storage tank, and electricity. Tribe also seeks IHS funds to tie spring into system as back up drinking water source.

Status: The Tribe received funding for a water hauling truck from the Bureau of Reclamation and continues to seek other collaborative partners to complete the project. At the 7/28/08 Regional Interagency meeting, the Tohono O’odham Utility Authority offered to donate a water storage tank to the tribe.

Contact: Alex Cabillo

- Robinson Rancheria – Tribe is concerned about its water supply from the Nice Mutual Water Company (NMWC).

Status: Tribe, NMWC, IHS and EPA met on 2/4/08 and as a result many of the Tribe’s concerns are addressed. Specifically, NMWC explained infrastructure improvements which will increase capacity and reduce disinfection byproducts; Tribe shared emergency contacts; NMWC provided key to gate on tank access road; NMWC provided 2007 tribal water consumption data; NMWC approved purchase of 10 cubic yards of cobblestone for erosion at base of tank and the Tribe volunteered to do the work to restore the area.

Based on tribal water samples at 5 individual wells with nitrate treatment systems, IHS determined that the treatment systems were functioning properly. Irenia Quitiquit ran for election to the NMWC Board.

Contact: Irenia Quitiquit, Robinson; Mary Weber, IHS; Linda Reeves, EPA

- Los Coyotes Lower Water System – water source needed for planned tribal housing area. Status: BIA invited the tribe to apply for funds for exploratory drilling.

Contact: Sandra Stoneburner, Los Coyotes; Gil Stewart, BIA

- Big Pine – Old tank needed rehabilitation and had insufficient water storage capacity. Delays in implementing the project resulted in \$150,000 of cost increases.

Status: EPA/IHS/RD funded cost increase. New tank constructed and in operation.

Contact: Alan Bacock and Tara Hess-McGeown, Big Pine; Roger Yates, EPA

- Navajo livestock well analyses – Residents haul water from livestock wells which may be contaminated.

Status: CDC and EPA completed water sampling of livestock sources: 75% have total coliforms and other samples have uranium and arsenic. Signs are being posted warning residents not to drink from livestock wells. Navajo’s circuit rider and Public Information Officer and representatives of a non-government organization are attending Chapter Meetings informing residents of the dangers of drinking from these sources. A public service announcement campaign is also underway. Navajo also submitted a DWTSa proposal for a feasibility study to evaluate alternatives to serving residents that haul water, including a one year water hauling pilot project. Also, an Access Implementation Workgroup is evaluating technical alternatives to piped water at Navajo. Contact: Deb Misra, Navajo; Clancy Tenley, EPA; Linda Reeves

- Navajo Drinking Water Storage capacity – obtain surplus military equipment to enhance storage capacity for public water systems and homes that haul water.

Status: Conference call will be scheduled.

Contact: Don Daswood, Navajo; Loretta Vanegas, EPA

- Navajo Wastewater Program – Navajo is developing a wastewater program and seeks funding and sample ordinances to assist in drafting wastewater regulations and minimum design standards.
Status: EPA 106 and GAP funds are available to develop a wastewater program. Sample tribal ordinances are available at: <http://www.narf.org/nill/triballaw/index.htm>.
Contact: Deb Misra, Navajo
 - Water Planning Model - \$20,000 needed to modify a San Diego water planning model which can serve as a screening tool.
Contact: Mike Connolly, Campo; Barbara Cross, California Department of Water Resources; Gil Stewart, BIA
 - Torres Martinez Water Collaborative – The tribe is impacted by encroaching development, lack of affordable housing, trailer parks wastewater needs, water quality concerns and arsenic. A regional plan is needed to address housing and infrastructure.
Status: The tribe improved relations with the local water district. With leveraged federal funds and local resources, the tribe completed a feasibility study for all water infrastructure needs within the boundary of the reservation, and the local water district prepared a Preliminary Engineering Report and Environmental Assessment for the Tribe's highest priority need to extend a sewer to serve trailer parks. EPA Tribal Border Infrastructure will fund design of the sewer and the local water district will apply to USDA for construction funds. The tribe is also exploring California Proposition 50 and disadvantages community funds.
Contact: Alberto Ramirez, Torres Martinez; Linda Reeves
4. Develop a tribal small system drinking water monitoring assistance program – The tribal monitoring assistance program will be modeled after Arizona's drinking water Monitoring Assistance Program which conducts sampling and analysis for small public water systems. Utilities pay a nominal annual fee, the program achieves bulk discounts at labs, and utilities achieve greater compliance with the Safe Drinking Water Act at a reduced cost.
Status: ITCA had 4 meetings with Arizona Department of Environmental Quality to learn about its monitoring assistance program. Three laboratories are willing to participate in the program, including 29 Palms. ITCA is coordinating with the Tribal Water Systems Operator Workgroup meetings. Pilot tribe has not yet been selected.
Contact: Deborah Patton ITCA (602) 307-1548, Bessie Lee (415) 972-3776
 5. Coordinate with IHS and BIA
Status: The 10/23 Regional Interagency Workgroup meeting will include a half day discussion with Ron Ferguson, IHS HQ, and John Rydzic of BIA to discuss 638/Compacting, O&M, other topics.
Contact: Linda Reeves
 6. Support tribal asset protection projects
Status: In FY 08, GAP provided a total of \$330K to 20 tribal to implement asset protection programs. Also this year, 19 tribal implement the assessment programs funded by GAP in FY 07 for a total of \$300K.
Contact: Hillary Hecht (415) 972-3790

7. Change California regulations to ensure that tribal wastewater operators can use their experience working at tribal facilities to obtain California wastewater operator certification – The California Water Board is revising its regulations which will allow tribal wastewater operators to obtain State wastewater operator certification

Status: Still pending State Board's issuance of the public notice of the revised regulations.

Contact: Tom Keegan (707) 473-2182, ext. 113, and Linda Reeves

8. Continue outreach and education on tribal water infrastructure and asset protection needs and solutions, through NTOC, National Congress of American Indians and other national tribal organizations – The Workgroup continues to coordinate with NCAI, NTOC and the National Tribal Water Council.

Status: The National Tribal Operations Committee is focusing on the Strategic Plan and Transition document to support the goals for all tribes and to ensure that all tribal needs are transferred to the new administration. Specific areas of emphasis include:

- Drinking water targeted funding and O&M
- Core Water Quality Standards necessary to protect tribal water quality, and appropriate consultation for Core Water Quality Standards with op in/opt out
- Treatment like a state, so money can flow directly to tribes
- Tribal NPDES permits to ensure off-reservation pollution not flowing into reservation

The National Tribal Water Council is providing a consistent message, emphasizing NTOC and RTOC goals, including:

- Emphasis on climate change, with assistance to tribal communities for adaptive management. A Tribal Nations Accord is needed to address climate change. In arid Southwest, climate change concerns are compounded.
- Tribes will request that new administration support Access workgroup and need for more money.

Contact: For NCAI coordination, contact Wilfred Nabahe (760) 876-4690; for NTOC coordination, contact Ken Norton (530) 625-1004 and Clay Bravo at (928) 769-2255; for National Tribal Water Council coordination, contact Deb Misra at (928) 871-7701 and see <http://nationaltribalwatercouncil.org/>.

9. Access State funding for tribal drinking water and wastewater – Barriers to tribal access to state funding will be evaluated, including access to California bond funds and SRF funds.

Contact: Marta Burg

10. Reevaluate Drinking Water Tribal Set-Aside (DWTSA) Health Ranking Criteria – At the request of Navajo, the Workgroup discussed reevaluating the DWTSA health ranking criteria for extensions of public water systems and the ranking of uranium projects considering the new MCL was established after the latest revision to the health ranking criteria. The Workgroup discussed this on a 5/29/08 conference call and at the 7/31/08 RTOC breakout session.

Status: The tribal caucus will discuss whether to pursue reevaluating the DWTSA health ranking criteria.

Contact: Linda Reeves, Deb Misra

11. Improve Workgroup Transparency – Create an on-line site to share workgroup minutes, documents, collaborative status reports, and success stories.

Status: Visit the Workgroup website (blog):

<http://rtocwaterworkgroup.blogspot.com/>

Username: RTOCwaterworkgroup

Password: waterworkgroup

Contact: Linda Reeves

Enforcement and Compliance Assistance Workgroup:

No report submitted

Conference Planning Workgroup:

No report submitted

Emergency Response and Emergency Planning Workgroup:

RTOC EMERGENCY PLANNING & RESPONSE WORKGROUP MEETING Thursday, July 31, 2008 Tohono O'odham Nation, Tucson, AZ

Attendees:

Angie Proboszcz, US EPA co-lead
Africa Dorame, Ak-Chin Indian Community
Mike DeSpain, Greenville Rancheria
Kendra Tso, Ak-Chin Indian Community
Dr. Roselynn Lwenya, North Fork Rancheria
Thomas Prezelski, Pascua Yaqui
Chuck Kmet, Tohono O'odham Nation
Becky Ross, San-Manuel Band of Mission Indians
Edward Reina, Tohono O'odham Nation
Alfreida Jake, Elko Band -TeMoak Tribe
Duane Masters, Sr., Fort McDowell Yavapai Nation
Corine Li, US EPA/Drinking Water
Mehrdad Khatibi, NAU/ITEP
Jeanne Jussila, Agua Cliente

UPDATE: Robert Columbro/Shingle Springs Rancheria recently submitted his resignation as tribal co-lead for this workgroup. Many thanks to Robert for the leadership he provided. Mike DeSpain/Greenville Rancheria has volunteered for this position.

Announcements:

1. The Emergency Planning & Response training track at the 2008 Tribal EPA Conference will include the following sessions:

- US DOT 2008 Emergency Response Guidebook and Hazardous Material Emergency Preparedness Grants
- Community Emergency Response Teams (CERT)- Community Teamwork When It Has To Count!
- PanFlu Tribal Issues and Vulnerable Populations
- All Hazard Emergency Response to Tribal Lands (3 hour session)
- Response to a Transportation Accident Involving Radioactive Materials Simplified

The All Hazards Emergency Response to Tribal Lands will be a multi-agency/tribal effort and will include presentations from CA Office of Emergency Services, US Department of Interior (DOI), FEMA, US EPA, and the Hoopa and Karuk Tribes.

Alfreida Jake volunteered to do a CERT presentation at the conference.

UPDATE: Sophi Beym, who is certified CERT train-the-trainer & a FEMA consultant, will also be providing a presentation.

Information stations will also be staffed by: CA Office of Homeland Security, DOI, & US EPA Emergency Prevention & Preparedness. FEMA and US Department of Energy may also be staffing information stations.

2. Information on the new EPA Office of Solid Waste and Emergency Response Tribal Support Grant, and the 2008 Department of Homeland Security (DHS) Grant Program Awards was distributed. Congratulations to Gila River Indian Community, Salt River Pima-Maricopa Indian Community, and Tohono O'odham Nation on your DHS grant awards!

3. Flyers were distributed for the annual Continuing Challenge Hazardous Material Emergency Response workshop, September 2 - 5, 2008, at the Radisson Hotel in Sacramento, CA.

4. The National Association of SARA Title III Program Officials (NASTTPO) will hold its "mid-year" meeting again during the HazMat Expo Conference at the Tuscany Hotel and Conference Center in Las Vegas the week of November 3. This will be in combination with the annual EPA Western Regions' Emergency Prevention and Preparedness conference.

Discussion:

- The importance of obtaining and maintaining compliance with the National Incident Management System (NIMS) was discussed. NIMS compliance is a condition requirement for many grants.

- A round-table discussion was held on tribal accomplishments and concerns. Funding and training remain the key concerns for most tribes. Fires and smoke-related issues were also discussed.

Mike DeSpain stated that the CA Department of Public Health provides a great advisory network. Please take the time to visit their website:

<http://bepreparedcalifornia.ca.gov> Mike also advised tribes from other states to check if their public health agencies also provided this service.

AIRNow is another great resource for obtaining air quality information. They have a national database of information that is available on their website: <http://www.airnow.gov> Through AIRNow, EPA, NOAA, NPS, news media, tribal, state, and local agencies work together to report conditions for ozone and particle pollution.

Action Item: Angie Proboszcz to provide tribal emergency planning guidance to Dr. Roselynn Lwenya/North Fork Rancheria

Status: FEMA and EPA tribal emergency planning and response guidance documents were provided via Email on August 05, 2008. Closed.

UPDATE: Fire and smoke-related issues will be discussed during the All Hazard Emergency Response to Tribal Lands session at the Tribal EPA Conference on Thursday, October 23, 2008.

Pesticides Workgroup:

Pesticide Workgroup
Conference Call
September 30, 2008
Summary

On call: Cornelius Antone, Tohono O'odham Nation; Nina Hapner, NAEPC

Pilot 18/24(c) Conference Call and draft letter:

- Reviewed the intent of the pilot program
- Reviewed the draft letter, added some additional language
- An updated version will be sent to the Pesticide Workgroup for the October 7, 2008 call

OECA Part Measures:

- Reviewed the current draft measures
- Noted that EPA doesn't have accountability on the length of time they take to get the reports to headquarters
- Nina has received no comments from the tribes on this measure
- Al Havinga would like to move this through this next month and it is on the agenda for the Tribal Pesticide Program Council for the October meeting.
- Cornelius said he would look it over to see if there may be comments from Tohono O'odham

Review the Pesticide Strategic Plan:

- Need to work on trainings for tribes without cooperative agreements
- Cornelius will bring this up at the Arizona Mangers' Meeting since ITCA has done inspector courses in the past
- Maybe it would be possible to get one training a year

- Under Goals and Objectives a Tribal Annual Meeting is suggested to cover pesticide issues. Maybe we can work on putting this together and having one before an RTOC, maybe January 2009.
- Cornelius noted that ITEP is doing a codes and ordinances training in San Diego, CA in December 2008.

Circuit Rider:

- How much money does EPA Pesticide Program have and how many cooperative agreements can be funded?
- Are there any tribes applying? If not, why? Because of the enforcement requirement?
- It would be good to have a circuit rider mid-way for California and Arizona.
- Need to determine if tribes will be willing to participate, and how many are needed to do a circuit rider?

Other:

- Nothing else to discuss
- Cornelius and I had a great one-on-one conference call
- I hope more people will participate on October 7, 2008, 10:00 am.

Follow up items:

- How much money does EPA Pesticide Program have and how many cooperative agreements can be funded? Are there any tribes applying? If not, why? Because of the enforcement requirement?
- Cornelius will bring up inspector training courses that ITCA has done in the past at the Arizona Mangers' Meeting to see if can do on a more regular basis.

Conference Call October 7, 2008 Summary

On call: Hector Duran, CRIT; Barkley Root, Cocopah; Henry Ghiotto, Quechan; Erica Helms-Schenk, Soboba; Carmelita Chief, ITCA; Alan Demorest, EPA; Nina Hapner, NAEPC.

Pilot 18/24(c) Conference Call and draft letter:

- Reviewed the intent of the pilot program
- Reviewed the draft letter – the letter will be sent out to tribes to use if they wish, but should know that some items, such as requesting the ability for a tribe to apply for Section 18 and/or 24(c) would require changes in the FIFRA law.
 - o The letter is only a template and any tribe can take and add what they wish.
- An updated version was sent to the Pesticide Workgroup for the October 7, 2008 call

OECA Part Measures:

- Reviewed the current draft measures
- Noted that EPA doesn't have accountability on the length of time they take to get the reports to headquarters

- Tribes who send in enforcement actions are given credit immediately (per R9 EPA) but verified compliance can take 5-7 years.
- There was further discussion on this: Basically, the subset of tribes forwarding potential actions is a small percentage. Maybe a tribe sends in 10 potential violations, 8 of those are taken care of immediately, but the other 2, they are ones EPA follows up on by sending a form to the violator and they report back whether or not they have complied.
- EPA suggested tribes should worry about taking action first and verifying compliance later. If not taking action you are getting zeros.
- All inspections are required to be forwarded to EPA if done under Federal Credentials, and the 5700s should have noted which ones are potential violators.
- Inspections done under tribal credentials do not have to be forwarded to EPA, but may be in the best interest of the tribe to do so. This may vary depending upon how the cooperative agreement is written.
- At this point, these measures have been distributed to tribes and R9 RTOC. No changes suggested.

Review the Pesticide Strategic Plan:

- Need to work on inspector trainings for tribes without cooperative agreements. Some of the Tribal Inspectors found the cooperative inspector trainings helpful. They would be willing to do trainings for non-cooperative agreement tribes.
 - Contact Henry, Barkley and Hector about doing training.
- Maybe it would be possible to get one training a year. There is an investment in training tribal staff.
 - Look at doing one before the January 2009 RTOC.
- Under Goals and Objectives a Tribal Annual Meeting is suggested to cover pesticide issues. Maybe we can work on putting this together and having one before an RTOC, maybe January 2009.
- There was some discussion on the codes and ordinance training being done by ITEP in December in San Diego, but several felt that would not be helpful for pesticide ordinances.
- There is disappointment in the RTOC with their being centered only on Solid Waste, Air, and Water. People don't understand how much pesticides permeate all of those areas.
- Suggested to start reaching out with IPM programs for schools, daycare, and community health. Maybe include tribal casino meetings.
- Once tribes hear what other tribes are doing, there might be more open doors.

Circuit Rider:

- It would be good to have a circuit rider mid-way for California and Arizona.
 - This would be ideal for San Diego County because there are tribes with large areas.
 - Agriculture isn't the primary use, but there structures and economic development.
- Need to determine if tribes will be willing to participate, and how many are needed to do a circuit rider? Barkley will help Nina put together a summary of this program and inquire if they are interested in doing a circuit rider.

Follow up items:

- Contact Henry, Barkley and Hector about doing training for tribes without cooperative agreements.
- Look at doing the training the day before the January 2009 RTOC.
- Barkley will help Nina put together a summary of this program and inquire if they are interested in doing a circuit rider.

